

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY, JUNE 18, 2013, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS

Members Present: Mayor Kelvyn Cullimore, Councilman Scott Bracken, and Councilman Tee Tyler. Councilman Mike Peterson and Councilman Mike Shelton were excused

Staff Present: City Manager John Park, Finance Director Steve Fawcett, Community and Economic Development Director Brian Berndt, City Engineer Brad Gilson, Assistant Fire Chief Mike Watson, City Attorney Shane Topham, and Public Relations Specialist Stephanie Archibald. Deputy City Manager Linda Dunlavy and Public Works Director Mike Allen were excused

Others Present: Peyton Robinson

1.0 **WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

1.1 Mayor Kelvyn Cullimore called the meeting to order at 7:05 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Councilman Tyler.

2.0 **CITIZEN COMMENTS**

2.1 Tobi Paulos was unable to attend this meeting to make comments in person, but asked that her written comments be included with the minutes.

3.0 **ACTION ITEMS**

3.1 **Consideration of Ordinance No. 205 Adopting an Amended Final Budget for the Period of 1 July 2012 Through 30 June 2013; Adopting a Final Budget for the Period of 1 July 2013 Through 30 June 2014; Making Appropriations for the Support of the City of Cottonwood Heights for Such Periods; and Determining the Rate of Tax and Levying Taxes Upon All Real and Personal Property Within the City of Cottonwood Heights**

3.1.1 Mayor Cullimore reviewed the proposed ordinance explained that as required by state law, the ordinance adopts a final amended budget for the current year and a final budget for the upcoming year.

3.1.2 Finance Director Steve Fawcett detailed the adjustments and differences between the tentative budget and the adopted budget.

3.1.3 **MOTION:** Councilman Bracken moved to approve Ordinance No. 205. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote

3.2 **Consideration of Ordinance No. 206 Amending Section 9.77.030, Cottonwood Heights Code of Ordinances (Fire Restrictions in Wild land Interface Areas)**

3.2.1 Mayor Cullimore explained that the proposed ordinance amends the fire restrictions in wild land interface areas to conform to the UFA guidelines. It outlaws aerial fireworks within a 300-foot radius of wild land interface areas and 50 feet for Class C common state approved fireworks. Previously, all fireworks within a 300 foot radius were banned, but citizen Tom Bowen pointed out that the UFA recommendation was different than the ordinance approved. There was some

confusion in that process and this amended ordinance corrects that. Many thanks to Mr. Bowen for taking the time to research this discrepancy so the ordinance could be accurate.

- 3.2.2 **MOTION:** Councilman Tyler moved to approve Ordinance No. 206. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

3.3 **Consideration of Resolution No. 2013-27 Approving and Ratifying a Hold Harmless Agreement with the LDS Church (2013 Butlerville Days)**

- 3.3.1 Mayor Cullimore explained that the proposed resolution approves a hold harmless agreement with the LDS Church, which allows the City use of the LDS Church parking lot for the staging of fireworks during Butlerville Days.

- 3.3.2 **MOTION:** Councilman Bracken moved to approve Ordinance No. 2013-27. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.

3.4 **Consideration of Resolution No. 2013-28 Approving and Ratifying Entry Into a Fourth Amendment to Office Lease with WLA UPU-1-2, LLC**

- 3.4.1 Mayor Cullimore explained that the proposed resolution extends the lease on the current premises occupied by the City. The lease will be for a term of three years, includes escalating rents each year, and allows for \$25,000 in tenant improvements to existing offices. It also provides early termination provisions if the City were to exercise an option to purchase the building. The contract can be terminated after 18 months with penalties, should the City choose to vacate the building.

- 3.4.2 **MOTION:** Councilman Tyler moved to approve Resolution 2013-28. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

4.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN ROOM 250**

- 4.1 **MOTION:** Councilman Tyler moved to adjourn and reconvene the work meeting. The motion was seconded by Councilman Bracken and passed unanimously on a voice vote. The business meeting adjourned at 7:25 p.m.

Minutes approved: 07/09/2013

**From:** Kelvyn Cullimore Jr. [mailto:Kelvyn@dynatron.com]

**Sent:** Tuesday, June 18, 2013 9:44 AM

**To:** Tobi

**Cc:** Kelvyn Cullimore; Kory Solorio; Mike Peterson; Tee W. Tyler; Scott Bracken; Mike Shelton; Shane Topham; Robby Russo; John Park

**Subject:** RE: June 18, 2013 Council Meeting

Tobi,

We will include your previous e-mail as part of the public record for the meeting tonight. It will be noted in the minutes that your comments were received in writing and will be summarized in the minutes and attached to them.

I believe we addressed the concerns you raise in the meeting we had. We remain convinced that there is no immediate threat to public health from Mr. Cobb's collection of snakes. Given that fact, there is no justification for pre-emptive actions. We feel the appropriate course is the one we are on - which is to fully examine both the issue of our exotic pet ordinance and our business licensing of such activities. As we have said, this will take time. We are hopeful that it will result in well-reasoned findings that will justify any changes we may consider making.

We appreciate your patience and understanding.

***Mayor Kelvyn Cullimore Jr.  
Cottonwood Heights  
801-580-4523***



-----Original Message-----

From: Tobi [mailto:paulostobi@yahoo.com]

Sent: Tuesday, June 18, 2013 7:25 AM

To: Kelvyn Cullimore Jr.

Cc: [kcullimore@ch.utah.gov](mailto:kcullimore@ch.utah.gov); Kory Solorio; Mike Peterson; Tee W. Tyler; Scott Bracken; Mike Shelton; Shane Topham; Robby Russo; John Park

Subject: Re: June 18, 2013 Council Meeting

Mr Mayor,

It is frustrating. Extremely. And no, I do not believe encouraging Cobb to do anything but move his snakes to a more appropriate location is a good idea. It just seems that in the mean time while the research is done properly Cobb is "business as usual" while we sit and wait in fear and frustration. I know you will not be issuing him any more permits while ordinance is under review, but what is being done to regulate and monitor his current 29? Nothing, because the ordinance doesn't require anything... And it would appear from his website that snakes are having litters over there. That is bothersome.

One would think a snake factory in a densely residential area is not a positive business licensing decision. And one I would seriously hope would be denied based on the reasonable expectation of peaceful and safe living a resident in a residential community expects.

If you do find that he is conducting a business, then under the ordinances it states if current permits were obtained under false pretenses then they shall be revoked." Wouldn't that hold true in this situation?

How do written statements for business meetings work? Will it be entered in as part of the public comment in the minutes? For future, should I be unable to attend another meeting and have something to say.

I appreciate your time and responses. I know you are busy and have just started your re-election campaign.

Thank you,  
Tobi

Sent from my iPhone with love! XOXO

On Jun 18, 2013, at 6:51 AM, Kelvyn Cullimore Jr. <[Kelvyn@dynatron.com](mailto:Kelvyn@dynatron.com)> wrote:

> Tobi,  
>  
> We will have another public business meeting next week as well. This extra meeting this week was required in order to meet state law and approve our budget prior to the 22nd of June.  
>  
> As we stated to you in our meeting, we are diligently researching the matter regarding changes to our exotic animal ordinance. But that process will take time as we explained. If you would like, we could encourage Mr. Cobb to apply for a business license. But as we discussed in our meeting, we believe under our current ordinance he would likely qualify for a business license. We have chosen not to encourage him to do that until we resolve which direction we might go on changes to our ordinance.  
>  
> As we said in our meeting, this will likely take several months to resolve. We are sorry if you find those delays frustrating. It is not our intent to frustrate you. It is our intent to make a reasonable decision informed by credible research into the matter. That takes time.  
>  
> As always, we do appreciate hearing your concerns.  
>  
> Kelvyn Cullimore Jr.  
> Mayor  
> Cottonwood Heights

> On Jun 18, 2013, at 2:20 AM, "Tobi" <[paulostobi@yahoo.com](mailto:paulostobi@yahoo.com)> wrote:

>> June 18, 2013 Council Meeting

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>> Mr Mayor and Council,

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>> I am confused as to why a business meeting is being held immediately following last weeks? It was my understanding as stated on the CH website, the business meetings are held on the 2nd and 4th Tuesday of the month. I can not be here tonight to voice my concerns. And since the meeting is out of turn, please make an exception to the rule of acceptance of comment for the meeting before noon the day prior, as notice of this meeting wasn't given until after 6 pm last evening. Please let this letter represent me in my absence.

>>

>> Since having the opportunity to hear Cobbs presentation to the council on May 7th and hearing him sell his "pet"situation to you and the ambiguity in the ordinance, it is clear to me that he misrepresented himself and his

intentions to the city. I also heard your opinion as well Mr Mayor. Your concerns are equally in line with ours. As any logical and reasonable persons are.

>>

>> The ordinance was interpreted 3 ways as Mr Topham stated and as we discussed in our meeting of June 4th. I understand that. But the city did not follow through on their side of the ordinance which states "it must be PROVEN that the animal will not pose a danger to the public."

>> What agency or authority Mr Mayor was consulted prior to the issuing of these permits? Who from the city deems his housing of these "animals" safe and sound? Who claims the community is safe? Officer Lovato? The same officer who helped adopt Salt Lake county's ordinances and was under the impression the exotic pet permit was intended to limit possession in a residential area to ONE snake per household. It appears to me the only "authority" the council heard from was Thomas Cobb. The personally

>> and financially invested party. And the only safety concern I heard him voice was that his investment was safe, not the community. The decision to issue him those permits was made that night. This was done prior to any due diligence to the ordinance and the very people you represent.

>>

>> I would also like to state that since this came to light, I have felt terrorized in a neighborhood where up until a couple months ago I felt safe.

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>> Cobb stated that "the lady on the corner yelled at her kids to get in the house", well let me just clarify- I sternly asked my now 4 yr old daughter to get inside because a very aggressive and intrusive man was trying to "educate me" on dog attacks and other dangers to my children that I felt INAPPROPRIATE FOR MY FOUR YEAR OLD TO BE EXPOSED TO! I was then in days to come, verbally attacked in my front drive and patronized by a 30 yr old man- Thomas Cobbs mother, Deborah Cobb for exercising my right to counter petition.

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>> There are concerns I have with an open ended ordinance;

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>> Cobb has "received 70 snakes in the last 7months". Pets? I do not think so. Business.

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>> "40 snakes prepaid for." Business.

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>> "I have been given 29 permits by my city, I need to ship animals out to make room for pre-purchased animals." This one concerns me the most because he is already trying to sneak around the limitations he's been given by the city. Concerning, very concerning, for the future.

>>

>> "Potential to house 500 animals"

>>

>> "recently listed a horde of snakes"

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>> Define horde;

>> A large group, multitude or number, etc...

>>

>> Mr Mayor, Council, would you like to live next to a horde of anything?! Especially constrictor snakes!

>>

>> Limits must be set. You approved 29 permits essentially overnight without any research or concern for the safety of a community. As well as the negative impact on the communities property values or the potential health and safety risk. Please council do your job, protect us and the expectation that this is inappropriate in a residential area. Help Thomas Cobb take his business else wear.

>>

>> I am concerned that it could also be that you are struggling to find ordinances for exotic pets because they are so widely abused that it is impossible to enforce them and that cities don't have the manpower or the funds to enforce, regulate and mandate them. I have found a handful, of which I have forwarded on to Mike Peterson in hopes he would pass them on to you for your review. I also forwarded on a very insightful documentary, of which I truly hope you have taken the opportunity to review. I think both the ordinances and the documentary bring to light what a problem these sorts of "pets" pose to a community and law enforcement. Limits are SO important and something

must be done about the EXCESSIVE 29 permits you have granted Thomas Cobb. These are not his "pets", they are his breeding stock for his business. His websites mission statement is "specializing in high end morphs." he is intentionally breeding them for sale. This neighborhood is NOT the appropriate place for him to conduct such activities unregulated and unmonitored.

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>> Please do the right thing. Help the community.

>>

>> Warmest regards,

>> Tobin Paulos

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>> Sent from my iPhone with love! XOXO